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Date: APRIL 18, 2005

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U.S. PATENT AND TRADEMARK OFFICE

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Client/Matter No.: FR 000079 (7790/351)

of Pages: 23

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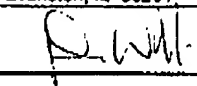
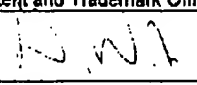
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No.	FR 000079 (7790/351)
	Application Number	09/933.552
	Filing Date	AUGUST 20, 2001
	First Named Inventor	YVES RAMANZIN
	Group Art Unit	2133
	Examiner	LAMARRE, GUY J.

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (duplic) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Brief <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.138(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed.

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Firm or Individual name	DARRIN WESLEY HARRIS Registration No. 40,636 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
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PATENT
Case No. FR 000079
(7790/351)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:)	
)	
YVES RAMANZIN)	
)	Examiner: LAMARRI, GUY J.
Serial No.: 09/933,552)	
)	Group Art Unit: 2133
Filed: AUGUST 20, 2001)	
)	
For: DATA TRANSMISSION SYSTEM,)	
EQUIPMENT SUITABLE FOR SUCH A)	
SYSTEM AND DATA TRANSMISSION)	
METHOD)	

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant herewith respectfully presents a Brief on Appeal as follows:

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1. REAL PARTY IN INTEREST

The real party in interest is the assignee of record U.S. Philips Corporation, a Delaware corporation having an office and a place of business at 1251 Avenue of the Americas, New York, NY 10020-1104.

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2. RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

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3. STATUS OF CLAIMS

Claims 12-22 are currently pending in the present application, and are the claims on appeal. See, Claims Appendix.

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4. STATUS OF AMENDMENTS

Appellant filed an after final request for reconsideration of claims 12-22 in response to a Final Office Action dated October 18, 2004. The request for reconsideration contained a non-statutory amendment of independent claim 17 that was not entered into the record by Examiner Lamarre.

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5. SUMMARY OF THE CLAIMED INVENTION

As illustrated in FIG. 2, a transmitter 50 of a mobile station 2 processes and transmits useful data for the purpose of forming a series of information signals, such as, for example, information signals S1 and S2 shown in FIG. 3, and a receiver 51 of a mobile station 3 receives and processes the transmitted series of information signals.

See, U.S. Patent Application Serial No. 09/933,552 at page 3, lines 17-24.

In transmitting the series of information signals, transmitter 50 of mobile station 2 inserts positioning information into a header of the series of information signals, such as, for example, inserting positioning information in the form of a synchronization data FLG, series length data MPL and a Golay code in the headers of information signals S1 and S2 as shown in FIG. 5. Signals S1 and S2 contain useful information PDUI after the respective headers. See, U.S. Patent Application Serial No. 09/933,552 at page 3, lines 25-30.

In receiving the transmitted series of information signals, receiver 51 of mobile station 3 conditionally produce an error indication of the transmitted series of information signals and can validate the transmitted series of information signals even if the error indication is produced. Specifically, the flowchart illustrated in FIGS. 5 and 6 are implemented by receiver 51 of mobile station 3 upon receiving the transmitted series of information signals. In the context of information signals S1 and S2, receiver 51 of mobile station 3 validates an error condition of the transmitted series of information

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signal under several scenarios. See, *U.S. Patent Application Serial No. 09/933,552* at page 5, line 24 to page 5, line 26.

The first scenario involves a production of an error due to (1) a failure to find FLG in information signals S1 and S2 as tested in box K2, (2) a complete reception of information signals S1 and S2 as tested in box K3, and (3) a failure to calculate the Golay code syndrome as tested in box K12. In this first scenario, the produced error is nonetheless validated in box K18 if receiver 51 is in the robust mode and not in the uncertain mode as tested in box K16.

The second scenario involves a production of an error due to (1) a finding or ignoring of FLG in information signals S1 and S2 as tested in box K2, (2) a calculation of the Golay code syndrome as tested in box K32, and (3) the position of the series length data MPI. being incorrect as tested in box K38. In this second scenario, the produced error is nonetheless validated in box K40 if receiver 51 is in the robust mode and not in the uncertain mode as tested in box K38. Alternatively, even if receiver 51 is in the uncertain mode, the produced error is validated in box K46 if the header of the preceding series of information signals is the header in the current series of information signals as tested in box K42.

The third scenario involves a production of an error due to (1) a finding or ignoring of FLG in information signals S1 and S2 as tested in box K2, (2) a failure to calculate the Golay code syndrome as tested in box K32, and (3) the position of the series length data MPI. being incorrect as tested in box K38. In this third scenario, the

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produced error is nonetheless validated in box K56 if receiver 51 is in the robust mode
and not in the uncertain mode as tested in box K54.

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6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 12-22 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,625,223 to *Wimmer et al.*

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7. ARGUMENT

Wimmer. A careful review of *Wimmer* reveals the principle operation of *Wimmer* is to only decode a data segment DS_i having an error-free check information K_i . To this end, *Wimmer* teaches several techniques for decreasing the chance of having an error indication of check information K_i , and teaches a BCH field in the check information K_i to correct any indicated errors in the check information K_i . Specifically, to increase the chances of having an error-free check information K_i , *Wimmer* teaches the use of (1) a correlation threshold as applied to a synchronization word S in either check information K_i or payload data information ND_i of data segment DS_i , and (2) an analysis of a preceding data segment DS_{i-1} or a following data segment DS_{i+1} . If an error still occurs, then *Wimmer* teaches the use of error recognition information and error correction information in the BCH code of check information K_i to correct the error in check information K_i . See, *Wimmer* at column 3, line 30 to column 5, line 3.

Clearly, *Wimmer* teaches away from a decoding of a data segment DS_i having an error in check information K_i by the use of error recognition information and error correction information in the BCH code of check information K_i as a fallback in case an error is indicated in check information K_i despite the correlation threshold and data segment analysis. Thus, in view of the fact that the principle operation of *Wimmer* is to correct any error indication in check information K_i before decoding it, *Wimmer* must be

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interpreted as teaching away from validating an error in check information Ki before decoding it.

Examiner Lamarre respectfully asserts that a teaching by *Wimmer* of how to determine a segment length field MPL when the check information Ki is not decoded essentially teaches a validation of data that has produced an error indication. The Appellant respectfully asserts that Examiner Lamarre's assertion is misguided, because (1) Examiner Lamarre is reading that one passage of *Wimmer* out of context with the principle operation of *Wimmer* and (2) the passage teaches a correction of an error in the segment length field MPL of check information Ki and not a validation of the error indication in field MPL. The Appellant respectfully asserts that when the passage is placed in the context of the principle operation of *Wimmer*, then it is clear that *Wimmer* teaches away from any validation of an error in check information Ki.

Obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the *Wimmer* or in the knowledge generally available to one of ordinary skill in the art, to modify the *Wimmer* as asserted by Examiner Lamarre. Second, there must be a reasonable expectation of success. Finally, *Wimmer* must teach or suggest all the claim limitations..
See, MPEP §2143.

Claims 12-16. The Appellant respectfully traverses this obviousness rejection of independent claim 12, because *Wimmer* teaches away from "means for validating the

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transmitted series of information signals even if the error indication is produced by the integrity verification means" as recited in independent claim 12.

Claims 13-16 depend from independent claim 12. Therefore, dependent claims 13-16 include all of the elements and limitations of independent claim 12. It is therefore respectfully submitted by the Appellant that dependent claims 13-16 are allowable over *Wimmer* for at least the same reason as set forth herein with respect to independent claim 12 being allowable over *Wimmer*. Furthermore, *Wimmer* teaches away from "means for distinguishing between a robust mode of the system and an uncertain mode of the system, wherein the robust mode is permitted to accept more errors than the uncertain mode" as recited in dependent claim 16.

Withdrawal of the rejection of claims 12-16 under 35 U.S.C. §103(a) as being unpatentable by *Wimmer* is therefore respectfully requested.

Claim 17. The Appellant respectfully traverses this obviousness rejection of independent claim 17, because *Wimmer* teaches away from "means for inserts positioning information into a header of the transmitted series of information signals wherein an error indication is produced in response to a reception by a receiver of the transmitted series of information that is in non-conformity with the positioning information whereby the useful data is accepted as a function of a robust mode despite the production of the error indication" as recited in independent claim 17.

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Claim 18. The Appellant respectfully traverses this obviousness rejection of independent claim 18, because *Wimmer* teaches away from “means for validating the transmitted series of information signals even if the error indication is produced by the integrity verification means” as recited in independent claim 18.

Claims 19-22. The Appellant respectfully traverses this obviousness rejection of claims 19-22, because *Wimmer* teaches away from “accepting the useful data as a function of a robust mode even if the error indication is produced” as recited in independent claim 19. Claims 20-22 depend from independent claim 19. Therefore, dependent claims 20-22 include all of the elements and limitations of independent claim 19. It is therefore respectfully submitted by the Appellant that dependent claims 20-22 are allowable over *Wimmer* for at least the same reason as set forth herein with respect to independent claim 19 being allowable over *Wimmer*. Furthermore, *Wimmer* teaches away from “distinguishing between the robust mode and an uncertain mode, wherein the robust mode permits to accept more errors than the uncertain mode for the purpose of validating the useful data” as recited in dependent claim 22.

Withdrawal of the rejection of claims 19-22 under 35 U.S.C. §103(a) as being unpatentable by *Wimmer* is therefore respectfully requested.


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Dated: April 18, 2005

Respectfully submitted,

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CLAIMS APPENDIX

12. A system, comprising:
- a transmitter for processing and transmitting useful data for the purpose of forming a series of information signals;
- a receiver for receiving and processing the transmitted series of information signals;
- integrity verification means for conditionally producing an error indication of the transmitted series of information signals; and
- means for validating the transmitted series of information signals even if the error indication is produced by the integrity verification means.
13. The system of claim 12,
- wherein the transmitter forms a header for the transmitted series of information signals; and
- wherein the integrity verification means influences the header of the transmitted series of information signals.
14. The system of claim 13,
- wherein the transmitter inserts positioning information into the header of the transmitted series of information signals; and

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wherein the integrity verification means produces the error indication in response to a reception by the receiver of the transmitted series of information signals that is in non-conformity with the positioning information.

15. The system of claim 12,

wherein the transmitter inserts positioning information into a header of the transmitted series of information signals; and

wherein the integrity verification means produces the error indication in response to a reception by the receiver of the transmitted series of information signals that is in non-conformity with the positioning information.

16. The system of claim 12, further comprising:

means for distinguishing between a robust mode of the system and an uncertain mode of the system, wherein the robust mode is permitted to accept more errors than the uncertain mode.

17. A transmitter, comprising:

means for processing and transmitting useful data for the purpose of forming a series of information signals; and

means for inserts positioning information into a header of the transmitted series of information signals wherein an error indication is produced in response to a reception by

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a receiver of the transmitted series of information that is in non-conformity with the positioning information whereby the useful data is accepted as a function of a robust mode despite the production of the error indication.

18. A receiver, comprising:

means for receiving and processing a series of information signals transmitted to the receiver by a transmitter;

integrity verification means for conditionally producing an error indication of the transmitted series of information signals; and

means for validating the transmitted series of information signals even if the error indication is produced by the integrity verification means.

19. A method of transmitting useful data by a first series of information signals, the method comprising:

positioning a header for the useful data to be transmitted;

analyzing the header for conditionally producing an error indication of the header;

and

accepting the useful data as a function of a robust mode even if the error indication is produced.

20. The method as claimed in claim 19, further comprising:

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inserting error coding information into the header; and
producing the error indication as a function of the error coding information.

21. The method as claimed in claim 19, further comprising:
inserting an indication of a length of the first series of information signals into the header; and
producing the error indication in response to a failure of a second series of information signals to appear at an instant defined by the length indication.
22. The method as claimed in claim 19, further comprising:
distinguishing between the robust mode and an uncertain mode, wherein the robust mode permits to accept more errors than the uncertain mode for the purpose of validating the useful data.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.